at 4:05 o'clock P M

JUL 18 2019

United States Bankruptcy Court Albuquerque, New Mexico

CAUSE NO. B.C.#13-11743-T7 BAP#315-1047 DISTRICT#D-1215-CV2010-10

In the interest of the Public For the matter of

In re: Brian Dale Van Winkle

Directly and/or indirectly associated with

Real Party in interest (jus personarum)

BRIAN DALE VAN WINKLE, infant/minor PLAINTIFF

٧.

Expressing the Trust

JOHN H. WILLIAMS, and ELLEN B. WILLIAMS, BELLEVIEW VALLEY LAND CO. INC.

DEFENDANT

Special Deposit

BILL OF COMPLAINT IN EQUITY PRESENTMENT TO VOID PROCEEDINGS AND JURISDICTION

INTRODUCTION AND BACKGROUND with Memorandum of Law (Exhibit A)

IRM 21.7.13.3.2.2.

"An nfant is a decedent of an estate or grantor, owner or trustor of a trust, guardianship reviewership or custodianship, that has yet to recieve a social security number"

COMES NOW. Brian Van Winkle, a natural living being of majority status conducting the style condition of The Principal and Beneficial Equitable Title Holder, and not an infant/minor, hereinafter "Complaintant". As such I am exercising as well as retaining and reserving all rights, natural, private, commercial, incorporeal or otherwise and does tender this claim and make the claim that the tender was special deposited on the account recievables books of the court, via the respondent's commercial filings and/or other deposits into the courts registry, who by their own admission of the complaint showing or causing to show the existance of a qualified endorsement.

The respondent has come into this matter related to a trust in a capacity that is unsustanable, and thus is percieved as standing in this unadulterated non-immune capacity and is liable for all damages incurred, assessments as well as penalties. On it's face it appears the Respondent's intent and purpose, was to take up the election to treat the within reference complaint as a draft, rather than a promise to pay. A complaint is a promise to pay, a draft is an order to pay, and the person holding the instrument can treat it as either. The court coverted the complaint to a draft, (a form of currency conversion)There might be cause for one to raise and/or complain they lack understanding, that such information is foriegn to them; and it is at this time that such an individual documents their lack of knowledge, for overseeing such a matter that specificially deals with an Express Trust and the Estate of an infant, which evokes exclussive jurisdiction and not concurrent jurisdiction. This court acts as an administrative venue as a result of the administrative acts and the presidential proclamation 2038, 2039, and 2040 - for which the presidents of the United States have exercised emergency powers jurisdiction continously, from 1933 to present, according to the Senate report on national emergencies associated with the National Emergencies Act. To insure the information is not ambigouse nor is it foriegn to the government for the senate of the United States Congress has verified the aforementioned facts. Equities Implied Expression of trust.

Minor means an individual under the age of 18 years. The term minor is also used to refer to an individual who has attained the age of 18 years but has not yet taken control of the securities contained in his or her minor account.

Minor account means an account that a custodian controls on behalf of a minor, this is refered to as a "resulting trust" the definition of a resulting trust is; A resulting trust (from the latin 'resalire' meaning 'to jump back') is the creation of an implied trust by operation of law, where property is transferred to someone who pays nothing for it; and then is implied to have held the property for benefit of another person.

JURISDICTION AND VENUE

Jurisdiction is proper " other jurisdiction" wherein the constitution, whereby Judicial Power, SECTION authorizes such out of necessity. The judicial power shall be invested in one

Supreme Court, (who may extend such powers in a court of appeals, in District Courts, in county Courts, in Metropolitan Courts) and in such other courts and may be established by positive law i.e. equity, as equity is the law, as equity is everything and law without equity must still render equity. Therefore, this Court has the power to decree in equity this express Trust matter in-camera/chambers, and may enforce the Bill of rights put forth in this bill as expressed in the constitution. We must remember as shall be discussed briefly in a moment, that an attorney who represents an individual who has not yet attained the age of Majority, is said to represent a ward of the Court. An attorney holds an administrative position as an officer of the court and as such, the attorney becomes for the ward an appointed guardian ad litem. Now in proof that the trust exist, and is for necessities and purposes a " RESULTING TRUST", in that upon attaining majority, the securities, assets, properties of the infant estate becomes the righful property of the beneficiary who has attained the Age of Majority. Seeing that this is a "Resulting Trust" by operation of law and as result of principles of equity, and that it involves a minor and /or infant and/or the properties of an infant the proper jurisdiction is that of equity who has and maintains a right to such inherent jurisdiction.

RULE OF LAW

Whereby this cause, being a complaint in exclussive equity jurisidction, (as it directly envolves the property/estate/securities), cites the rule as follows upon:

BILL OF RIGHTS

No person's (to include infants/minors) property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and, when taken, except for the use of the State, such compensation shall be first made, or secured by depossit of money.

JURISDICTION OF COURTS OVER THE ESTATES OF INFANTS

Jurisdiction over the estate of an infant is inherent in equity, but it may also be vested by administrative constitutional and administrative statutory provisions in particular courts; the administrative institution of proceedings affecting an infant's property makes the infant a ward of the court (held in trust, for such the seizure of rights and /or officers trustees, constituting a trust relationship, in equity) which has broad powers and the duty to protect his or her interest.

The jurisdiction can be exercised only when the court has aquired jurisdiction as to the particular infant/minor or subject matter. (jurisdiction over estates/trust are exclussive in nature over which courts of equity have exclusive jurisdiction, and such matters must be

heard at equity.) The commencement of a proceeding affecting the infants property vest the court with the jurisdiction over his or her estate, pursuant to which the court acts in Loco parentis or as a guardian, and the infant becomes it's ward. It is the duty of the court to safeguard the infants property interest with great care i.e. trust.

After the jurisdiction of the court has attached, either through an appearance which equates to submitting to the court's jurisdiction, and/or a plea being entered by the infant/minor, the court is in its administrative capacity has broad, comprehensive and plenary powers over the property of the infant/minor. This court may adjucate the right and the equities of the infant and property, yet only in equity, and it may cause to be done whatever may be necessary to preserve and protect the infant's estate which includes the property/assests of said estate. However the exercising of such powers must be tempered with reasonable limitations, and one major limitation is that courts of equity have exclussive jurisdiction over the property/assets of an infant. Therefore, the court cannot act in violation of administrative constitutional or statutory limitations on its power, or permit the impounding of the infants funds for the creation of a trust, which the court or parties have done by establishing the instant matter, and thus attempting to deprive the infant/minor of the right to the absolute enjoyment of the funds of one who has come now, and is appearing at the age of majority in correction of any presumptions by previous actions or appearances in this matter.

An infant is not compentent to wave the administrative statutory requirements enacted for his or her benefit and protection, with respect to the manner in which the jurisdiction of the court may be exercised, unless and until they attain the age of majority then they can either petition for the removal of minor's disabilities and or express the trust.

JURISDICTION OF COURTS OVER ESTATES OF INFANTS/MINORS-JUDICIAL ALLOWANCES FOR SUPPORT, MAINTENANCE, AND EDUCATION.

Respondents could not have had a valid claim against an infant/minor without personal knowledge and a copy of Photo, Finger-prints, A Forced Plea, Coercion, Threats, False imprisionment, false commercial claim is/ are not considered lawful evidence and/or knowledge, because such copies are held as a forgery, evidence of involuntary servitude.

Furthermore, courts in conducting "Commercial" business of the court must give/disclose to or upon a party upon demand the bookkeeping entries(both recievables and payables) with an affidavit, and demand is hereby made for immediate production or the all evidence is hearsay evidence into the court. The infant/minor having attained the age of majority hereby challenges the bookkeeping and demands the full accounting of the accounts recievables and accounts payables and all dividends, profits ,rents,escrows,etc. resulting from the deposit of TRUST/Estate of the ward/Beneficiary onto the courts accounts recievables and other intangibles.

Movement For Relief

Complaintant is entitled to the relief of damages in equity, as 'equity must cause equity to be done, though the heavens fall'; Complaintant is entitled to relief in the form of damages for the following reasons:

Respondant(s)has taken the private property of the complaintant under extreem duress and threat of violence against Complaintants life, property, liberties, liberties without just compensation, without the expressed and/or written consent of the Complaintant. Respondent had a duty to respond to all complaints and questions because of the legal special relationship of all the parties and by not responding to Respondent is in breach of trust, because the infant estate and duty of care assosiated therewith/thereto is an express trust:

"Verified Memorandum of Principles of Law and Points of Authorities on Express Special Relationship Trust"

The court and it's officers are a legal title holder of not only the express trust, but also the constructive trust.

As now has been placed on the record I share the same or similar name as the named defendant in their case # B.C.#13-1174-t7,BAP # 15-1047,and District#D-1215-CV2010-1054. However, for clarification, I am now acting in the capacity as the named defendant, I am the beneficiary and equitable title holder. None of this information is foreign to the court, this matter must proceed in equity, failure and/or refusal to proceed at equity, under exclusive jurisdiction will constitute contempt of justice.

ELEMENTS OF TRUST:

- 1. Settlor/Grantor/Trustor- intended to creat a trust, which is percieved by the reasonable observer, as in the case of the New Deal and the several Federal Acts and assosiated State regulations
 - a. The Emergency Banking RElief At of March 9th , 1933
 - b. The Social Security Act of 1934, thee Trust Indenture Act
 - c. The Social Securities Trust
 - d. The Treasury Trust Fund
 - e. The Public Trust and Administration thereof

These are such specific and Special RELATIONSHIP Agreements, as they are specifically

designed and voluntarily submitted to as required by the 13th Amendment Authorized such.

- 2. Rights Must Be Identified
 - a. As evidence by due process of statutory provisions and the 14th Ammendment section 1 & 4.
- 3. Identification of Beneficiary-whom the property is held on behalf of (held in-trust)
- 4. Shares/Assets/Property must be Identified
- 5. The Trust must be workable
- 6. Must have an Ending i.e. can't last for ever

All elements of a Trust Are Presented- 31 C.F.R. 363.6

Minor means an individual under the age of 18 years. The term minor is also used to refere to an individual who has attained the age of 18 years but has not yet taken control of the securities contained in his or her minor account.

Minor account means an account that a custodian controls on behalf of a minor, that is linked to the custodians primary account, (See 31 CFRss363.10 and 363.27 for more information about minor accounts)

The Settlor is Federal Government directly and through the state and local governments (this indication is specified by the use of lower case "state" and " government", and proper nouns). Through various acts of Congress, and through The Age of Majority Act's.

The identity of Equitable Beneficial Title Holder is the Minor both un-attained and attained, until they control the Securities/Shares in the trusted account.

The Rights are Identified by the right to attain the Age of Majority, to gain control of Securities Held in one's Minor Account, and to be free from Minors Disabilities.

The Trust is workable in that the Custodian/Fiduciary/Trustee/Ministerial Clerk must hold the minor/infant account in trust on/ for the benefit/behalf of a minor, that is linked to the custodians primary account (in most instances the Federal and State Treasuries).

The trust may not last forever as it and the duties of all parties upon the attaining

The Age of Majority, and documenting such in a definitive manner by attaching an affidavit attesting such to his or her BIRTH CERTIFICATE-NOTE THE PRINCIPLE:

"the register of titles is authorized to recieve for registration of memorials upon any outstanding certificate of an official birth cerificate pertaining to a registered owner named and said certificate of title showing the date of birth of said registered owner, providing there is attached to said certificate an affidavit of an infant who states that he/she is familiar with the facts recited, stating that the party named and said birth certificate is the same party as one of the owners name and said certificate of title, and that thereafter the register of titles shall treat registered owner as having obtained the age of majority as of the date of the 18 years after the date of the birth shown on said certificate"...

The aforementioned is a general court rule, meaning that it applies in principle in all birth certificate attaining related matters, and administrative proceedings.

This matter does not involve a statutory and/or constitutional provision respecting a minor and or infant, this matter exclusively and specifically involves an estate/trust and the property of an infant/minor under equitable law.

Generally, an infant may acquire property rights, but he or she is not regarded as capable of managing his or her property. Hence, the law does not entrust him or her with the custody or control of his or her estate. The reason, an infant/minor is not capable of managing his or her own property, is because they have not yet attained the age of 18 and or taken control of the securities, assets, properties held in their minor account, a general principle of equitable law.

Generally, as an equitable principle, the statute of limitations, is suspended as against infants during their disability, or either do not begin to run against an infant until the obtaining of majority, or where infancy does not toll the statutes, the infant is allowed a statutory period after attaining majority to contest any adverse possessions which commence during infancy. Here, the inference is on the infant attaining the age of majority, the same with respects to a minor and/or juvinile, and as noted, such as person/individual shall remain a minor and or infant until such time as they gain control of the assets held in their minor account through equity.

With this supporting affidavit, the complaintant states that this court in good consciouse and good reason shall aid the complaintant in his prayer or show cause via facts and conclussions of equitable law why he is not entitled to just compensation and other equitable relief to which he is entitled as equitable beneficial title holder.

Complaintant prays to this court for damages in the amount as specified in the contract and the value of the full estate plus interest, for the court is under obligation in the exercise of its inherent equitable powers to do equity.

Complaintant additionally prays for an injunction to issue against Respondent and the, attorney for an attempted taking of trust property, private information and solicitation against the complaintant where he is not intitled to act against the trust with just or any other cause, for such is construed as intermeddling with the estate of the infant/minor, for which there are strict and severe penalties.

Sources Cited.

s 336 Damages-The power to award damages in a proper case, as necessary incident to other purely equitable relief and in the same decree, is fully admitted, and even to award damages alone in very speacial cases; but the jurisdiction has been exercised with the utmost caution and reserve. See JUDICIAL INTERPRETATION OF JURISDICTION, Pomeroy, Equity Jurisprudence.

A court of equity grants the relief of compensatory damages in connection with some other specific relief and under very peculiar circumstances it decrees the payment of damages alone. Several kinds of equiable suits are wholly pecuniary in their relief, as those for contribution and exoneration. See JUDICIAL INTERPRETATION OF JURISDICTION, Pomeroy, Equity Jurisprudence.

Maxims of Equity and Adjucation States that a court of equity (s56) to protect and' enforce rights to property the object of suits in Chancery. The term " property" as used in this section, includes that is the subject of exclussive individual ownership; or. to be more specific, includes not only lands, houses, goods and chattels, right and credits, but also, man's person, and his wife and minor children, and his right to work, and to sell and aquire property, and engage in any lawful business, and his and their reputation, health and capacity to labor, and his and their right to enjoy

the senses of sight, smell, hearing and taste, and his and their right of speech and locomotion, and

his and their right to enjoy their sense of moral propriety when normal. A s men live by their labor

and property, no man is presumed to part with either without recieving or expecting an equivilant in value. Hence, whenever one person has attained either the labor or the property of another he should pay or account therefor, unless he can prove it was a gift; and so, whatever injury one person

does to another's property or capacity to labor should be made good.

I declare under the laws of the United States of America that the Foregoing is true and correct. Executed on this / Day of July , 2019

By: Brian Dale Van Winkle

As: Complaintant and equitable beneficial title holder

Appearing in the capacity of one who is of the age of Majority

In order to proceed, I first require the court to recognize I am here in special appearance as the "beneficial equitable title holder" on matters involving THE ESTATE OF FRED VAN WINKLE. I also require this court take notice my Bill of Complaint in Equity, and notice that I appear only in the capacity of one who is at the age of majority. As such, I therefore direct you to fulfill your fiduciary duty to settle all accounts as trustee per the BILL OF COMPLAINT IN EQUITY I submitted, and recognize my right of subrogation on this matter.

CAUSE NUMBER B.C.#13-11743-t7 BAP #15-1047

District #D-1215-CV2010-1054

Division 2 Judge Waylon Counts,

Brian Dale Van Winkle

As; Complaintant and Equitable beneficial holder

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AUTHENTIC UNLESS PRODUCED ON SECURITY P

STATE OF NEW MEXICO New Mexico Vital Records and Health Statistics Epidemiology and Response Division

PIL V. A.M.			
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